

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SAM W DONAGHE,

Petitioner,

v.

DON GAUNTZ,

Respondent.

CASE NO. C12-6075 RJB-JRC

ORDER

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

1. The Court adopts the Report and Recommendation;
2. This petition is dismissed prior to service. Petitioner cannot challenge his civil commitment by alleging that conditions of confinement render RCW 71.09 punitive. *See Seling v. Young*, 531 U.S. 250, 263 (2001).
3. No certificate of appealability will be issued.
4. The Clerk is directed to send a copy of this Order to plaintiff, and to the Hon. J. Richard Creatura.

DATED this 20<sup>th</sup> day of February, 2013.



ROBERT J. BRYAN  
United States District Judge